

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

PAUL CAPUTO,

Plaintiff,

vs.

No. CIV-05-321 JB/DJS

RIO RANCHO POLICE DEPARTMENT,
LEMUEL MARTINEZ, OFFICER J. MELTON,
MICHAEL BAKER, Chief of Police,

Defendants.

MEMORANDUM OPINION AND ORDER

THIS MATTER comes before the Court on the Plaintiff's Motion for Extension of Time to Complete Discovery and to Extend Other Pretrial Deadlines, filed January 5, 2006 (Doc. 35). The Court held a hearing on this motion on January 24, 2006. The primary issue is whether the Court should extend discovery and other deadlines while the immunity motions are pending. For the reasons stated at the hearing, and consistent with those reasons, the Court will deny the motion without prejudice to Plaintiff Paul Caputo renewing his motion after the Court rules on the pending immunity motions.

PROCEDURAL BACKGROUND

In the Initial Pretrial Report, the Court set the following deadlines:

Motions relating to Discovery	January 12, 2006
Pretrial Motions	February 3, 2006
Plaintiff's part of the Pretrial Order	March 17, 2006
Defendant's part of the Pretrial Order	March 24, 2006

Pretrial Conference

March 25, 2006

Caputo requests the Court grant additional time within which to complete discovery, currently scheduled to end January 6, 2006, until February 6, 2006. Caputo further requests the Court to move all other pretrial deadlines forward thirty days. Caputo requests the Court to extend the pretrial deadlines by thirty days, making the new deadlines as follows:

Motions relating to Discovery

February 13, 2006

Pretrial Motions

March 3, 2006

Plaintiff's part of Pretrial Order

April 17, 2006

Defendant's part of Pretrial Order

April 24, 2006

Pretrial Conference

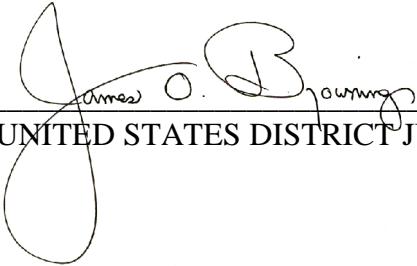
April 25, 2006

Defendant Lemuel Martinez objects to this motion.

ANALYSIS

Given that the Court is staying discovery pending resolution of the pending immunity motions, setting new deadlines at this stage would not make sense. The Court will deny Caputo's motion without prejudice to him renewing his request after the Court rules on these motions. If Caputo convinces the Court to deny one or both of the immunity motions, for any reason, further discovery may be appropriate. The Defendants have made a tactical decision not to give Caputo further discovery, and if the Court decides to deny the immunity motions, it will seriously consider extending the deadlines to allow more discovery.

IT IS ORDERED that the Plaintiff's Motion for Extension of Time to Complete Discovery and to Extend Other Pretrial Deadlines is denied without prejudice to his ability to renew it after the Court rules on the pending immunity motions.



UNITED STATES DISTRICT JUDGE

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